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Ilik, Goran; Adamczyk, Artur

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FINALITÉ POLITIQUE OR JUST A STEP FORWARD: THE LISBON TREATY AND THE IDENTITY OF THE EUROPEAN UNION AS A GLOBAL ACTOR

Goran Ilik

Law faculty, University “St. Kliment Ohridski” in Bitola, Republic of Macedonia

ilic_rm[at]yahoo.com

Artur Adamczyk

Centre for Europe, University of Warsaw, Poland

a.adamczyk[at]uw.edu.pl

Abstract

This article is a qualitative analysis of the Lisbon Treaty and its institutional and political implications for the international political identity of the European Union as a global actor. The Lisbon Treaty makes an institutional-political effort for integration of the European foreign policy capacities, followed by installation of the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy institutions. This Treaty also constitutes the single legal personality of the EU which differs for the EU on the international political scene in relation to others. With the integration of the EU's foreign policy capacities and the fusion of the (former) three pillars, the Lisbon Treaty makes some sort of rationalization of the institutions in terms of providing efficient and simplified decision-making, suitable for implementing a coherent foreign policy. Thus, considering the prerogatives and credentials of aforementioned institutions, regarding their contribution to the international political identity of the EU and its decision-making, we conclude that the Lisbon Treaty does not represent a finalité politique of the EU integration process, but just a step towards its achievement.

Key words: CFSP; EU international political identity; The Lisbon Treaty

INTRODUCTION

The Lisbon Treaty is the last implemented constitutive treaty of the European Union (EU; the Union). Its normative and political intention arises from the necessity to consolidate the democratic deficit and the crisis of the EU's political / international political identity, after the failure of the Treaty to establish a Constitution for Europe. This situation opened many questions concerning how the European Union will be further developed and whether it will be able to constitute as a political union (federation in particular) with an international political identity as a global actor. Considering this, the present article aims to explore the Lisbon Treaty stipulations within the Common Foreign and Security Policy (CFSP), and the Treaty's capacity for establishing the EU's international political identity. In this sense, the main intention of this article is to determine whether the provisions of the Lisbon Treaty within the CFSP are *finalité politique* or just a step towards establishing the EU's international political identity. Otherwise, this article is a qualitative analysis of the Lisbon Treaty and its institutional and political implications for the EU's identity as a global actor. This research uses the content analysis method, seeking to answer the following research question: what is the place of the Lisbon Treaty within the integration process with regards to the identity of the European Union as a global actor?

DEFINING INTERNATIONAL POLITICAL IDENTITY

The difficulties of defining the international political identity of the European Union (EU) come not only from the complexity of its specific nature, but also from the complexity and specificity of this term. Identity in general implies the existence of autonomy, distinctiveness and divergence of one political entity in relation to another or other homogenous and heterogeneous political entities / actors. In addition, the theorist Heinrich Schneider argues, "anyone in search of her or his identity will pose the question: 'Who am I?' With regard to collective identity the questions are: 'Who are we? Where do we come from? Where do we go? What do we expect? What will expect us?' But these questions really serve to clarify another, more fundamental one: Why and how can we (or must we) talk in the first person plural?" (Jansen 1999, 34). Namely, the politics of identity refers to a set of ideas and values in one political community, used to induce a *state of cohesion* and *solidarity* as precondition for building a political / international political identity. Concerning the Union, its role in the "international system has always been a central part of the European integration process and continuous efforts have been made to enhance the effectiveness and efficiency of the Union's external action" (Wessels and Bopp 2008, 1), directed towards the establishment of the EU's international political identity as a global actor. Thus, "the provisions for CFSP and, increasingly also the Common Security and Defence Policy (CSDP), can be regarded as the cornerstone of the Lisbon Treaty" (Wessels and Bopp 2008). Accordingly, the former British politician Malcolm Rifkind, adds: "consultation and co - operation [within the EU] are now instinctive (...) Thus, the foreign policy cooperation between EU Member States could be interpreted as the beginnings of a learning process where the actors involved increasingly perceive themselves as a 'We'" (Aggestam 1999). Considering that, the EU "does not yet have the single coherent world vision, the deep - rooted instincts of a national foreign policy."

That is not to the discredit of the European Union. But it is one more reason why we should see [the CFSP] as a complement to our national foreign policies, an increasingly robust complement, but not a replacement” (Aggestam, 1999). Consequently, Prof. Radovan Vukadinovic and Prof. Lidiya Cehulic emphasized that:

[International political identity of the EU is] a set of governmental policies that politically harmonized by the Member States, create international political position of the [Union] or its international political identity in the *role* of distinctive and unique international political *entity* [actor] on the international political scene (Vukadinovic and Cehulic 2005, 118).

This definition significantly connects the EU’s international political identity with the *role* of the EU on the international political scene as an *actor*. Consequently, Prof. Vukadinovic projects the *actorness* of the EU through its international activity, rather than its institutional appearance. Concerning the actorness, the theorists Charlotte Bretherton and John Vogler, stipulate four basic requirements of this phenomenon, as follows:

1. Shared commitment to a set of overarching values,
2. Domestic legitimation of decision processes and priorities relating to external policy,
3. The ability to identify priorities and formulate policies – captured by the concepts of consistency and coherency, where:
 - a. Consistency indicates the degree of congruence between the external policies of the Member states and of the EU
 - b. Coherence refers to the level of internal coordination of EU policies, and
4. The availability of and the capacity to utilize policy instruments – diplomacy, negotiation, economic tools and military means (Bretherton and Vogler 1999, 30).

Concerning the Lisbon Treaty, it prescribed the *axiological (value) framework of the EU*, which requires the Union and the Member States to affirm and to respect its values. Starting from that, the axiological framework of the European Union generally encompasses freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law. In that context, Article 21 of the Lisbon Treaty proclaims that:

The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law (The Lisbon Treaty 2010, 28).

Through the promotion of these values, the Union determines its course in the direction of developing and building partnerships with third countries and other international, regional or global organizations. The Union therefore initiates itself as a major promoter of multilateralism, of course in accordance with the principles of international justice within the historical process of promotion, prevention and protection of the fundamental values of humanity, such as democracy, human rights and freedom, human

dignity, and global peace. The Union also, in accordance with Article 21(2) of the Lisbon Treaty, draws its missionary and proactive international role, in order to:

(a) safeguard its values, fundamental interests, security, independence and integrity; (b) consolidate and support democracy, the rule of law, human rights and the principles of international law; (c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter (...) promote an international system based on stronger multilateral cooperation and good global governance (The Lisbon Treaty 2010, 28-29).

Despite the axiological framework of the EU, coherence appears as a key issue regarding the establishment of international political identity, and thus, the capacity of actorness. In that sense, the theorists Joseph Jupille and James A. Caporaso claims that coherence determines whether or not an entity is an actor, because “[t]o be an actor implies a *minimal level of cohesion*” (Keisala 2004, 84). In that context, we must emphasize that only the states and other forms of political unions similar to them (federation or confederation), naturally possess the coherence understood *in stricto sensu*. Based on this view, the EU actorness is quite problematic to define, as the EU often (incoherently) reflects the political views of its Member States, and thus sometimes appearing as an international organization, and while other times as a state. In order to define more accurately the phenomenon of cohesion, the theorists Joseph Jupille and James A. Caporaso noted four different dimensions.

The first dimension is *value cohesion*, which owns inclusive and integrative function, and which “refers to the similarity and compatibility of basic goals” (Keisala 2004, 84). As the second dimension, Jupille and Caporaso noted *tactical cohesion*, which appears in conditions of disharmonious political views of the Member States within the EU “if goals are different but can be made to fit one another” (Keisala 2004). The third dimension is *procedural cohesion*, which “implies some consensus on rules and procedures used to process those issues where conflict arises and, thus, agreement on basic rules by which policies are made” (Keisala 2004). The fourth dimension is *output cohesion*, which refers to the situation where the Member States of the EU succeed in formulating policies regardless of the level of substantive or procedural agreement (Keisala 2004). The latter dimension directly implies the ability to articulate foreign policy, which is to provide a unique appearance in the international relations of the particular entity - the EU in this case. Similarly, the significance of this dimension emphasizes the inability of the EU to achieve consistent articulation of a single foreign policy, because of the different political views and preferences of its Member States in certain situations and under certain circumstances.

On that basis, we conclude another dimension of coherence, the *coherence of preferences*, directly connected with the ability of the Union (and the Member States) to establish a *common foreign policy* based on *setting up transcendental objectives and goals*. This dimension refers to where, when and how to act, primarily taking into account the *EU interests as a whole*, not in fragmentary pieces. Consequently, the EU leaders must work together, in order “to increase [the EU] cohesiveness (...) [And thus to] provide the EU with a distinctive [international political] identity” (Grajauskas 2011). In that favour, the Lisbon Treaty installed the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy (the “High Representative”), in order to

provide a minimum opportunity for enhancing the coherence, and thus, to invest in the building of the EU's international political identity. Both institutions need to synchronize the Member States political views in order to bring them in line with the interests and the views of the European Union as a whole. As in the previous treaties, the Lisbon Treaty stresses the mutual commitment of Member States to support the EU's foreign and security policy "actively and unreservedly in a spirit of loyalty and mutual solidarity" and to "refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness" (Wessels and Bopp 2008, 12), thus "specifying the general assurance of mutual cooperation and fulfilment of treaty obligations" (Wessels and Bopp 2008).

INSTITUTIONAL AND POLITICAL DETERMINATIONS

With the implementation of the Lisbon Treaty, the EU obliged itself to become a more democratic and transparent, more efficient, and more just (taking into account rights and values, freedom, solidarity and security) and to establish itself as an actor on the global stage with its own distinct and authentic international political identity (The Treaty at a glance 2009). In that context, this Treaty provides adequate institutional and political determinations, as follows:

1. A new President of the European Council with fixed mandate, projected to maintain the political stability and continuity of the EU;
2. A new High Representative for the Union in Foreign Affairs and Security Policy Vice-President of the Commission will increase the impact, coherence and visibility of the EU's external action;
3. A new European External Action Service will provide back up and support to the High Representative;
4. A single legal personality for the Union will strengthen the Union's negotiating power, making it more effective on the world stage and a more visible partner for third countries and international organisations; and
5. Progress in European Security and Defence Policy will preserve special decision-making arrangements but also pave the way towards reinforced cooperation amongst a smaller group of Member States (The Treaty at a glance 2009).

By installing the institution of the "President of the European Council", a fixed independent and individual body with a mandate of at least two and a half years and representative prerogatives in conducting the foreign policy have been finally institutionalized. This institution has extraordinary significance in foreign policy and the representation of the EU in international relations. Regarding that, the European Council (EC) as an institution aims to "identify the Union's strategic interests, determine the objectives of and define general guidelines for the common foreign and security policy, including for matters with defence implications" (The Lisbon Treaty 2010, 32).

Accordingly, Article 15(5) of the Lisbon Treaty stipulates that: "the European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President's term of office in accordance with the same procedure" (The Lisbon Treaty 2010, 23). In that regard, the President of the European Council:

1. shall chair the European Council and drive forward its work;
2. shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;
3. shall endeavour to facilitate cohesion and consensus within the European Council;
4. shall present a report to the European Parliament after each of the meetings of the European Council (The Lisbon Treaty 2010).

The functioning of this institution aims at providing not only a harmonious and coordinated definition of the strategic and general political guidelines of the EU, but also aims at stimulating effectuation of a coherent and representative implementation of common international political activities within the EU. Within its framework, the President of the European Council simultaneously appears as a President of the European Council as well as of a kind of spokesperson of the Union in international relations. In that context, there are two diametrically opposed viewpoints, where the first one treats the President of the European Council as an institution with its coordinating and representative functions, while the other treats him as a strong representative of the Union in international relations, in the role of a “President of Europe”. The latter viewpoint is particularly characteristic of European federalists and their efforts for transforming the EU into a political union, i.e. into a democratic federation. In addition, the President of the European Council is responsible for submitting a regular report of his work to the European Parliament and for consulting with the President of the European Commission. The necessity for cooperation with the President of Commission is anticipated because the European Commission is obliged by Article 17(1) to “promote the general interest of the Union and take appropriate initiatives to that end” (The Lisbon Treaty 2010, 25).

This inter-institutional cooperation emerges as an inherent consequence of the need for a coherent, consistent and organized action within the CFSP framework. In addition, Article 15(6) stipulates that the President of the European Council “shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy” (The Lisbon Treaty 2010, 23). According to the Treaty, the High Representative is in charge of organizing and coordinating the work of the Union as regards the CFSP and representing the Union in international relations. This institution is created by fusion of the previous institutions: European Commissioner for External Relations and Neighbourhood Policy and High Representative for Foreign and Security Policy of the EU. The purpose of this fusion and rationalization is the fulfilment of the institutional - political conditions for creating an effective EU Ministry of Foreign Affairs and a single common representation of the Union in international relations. Otherwise, what can be said for this institution is that it is a nominally reformed counterpart of the former Minister for Foreign Affairs of the EU, provided by the “failed” European Constitution. In this respect, the European Council “acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the High Representative of the Union for Foreign Affairs and Security Policy” as is stated in Article 18(1) of the Lisbon Treaty (The Lisbon Treaty 2010, 26). The significance of this institution is tremendous because the High Representative of the Union

is also responsible for conducting the CFSP as well as the Common Security and Defence Policy. Also, the Treaty has fused the function of the High Representative with that of the Commissioner for External Relations. A solid and monolithic coordination and organization of the international political activities of the Union is to be provided through this fusion of institutions and functions. In that context, the High Representative is predicted to preside with the Foreign Affairs Council, and also to take over the role of one of the Vice-presidents of the European Commission, as an institution responsible for setting the general political direction and the international political representativeness of the EU. In that respect, the High Representative is obliged to promote and ensure consensus among the Member States of the Union, and at the same time to include the different political interests of the Member States in creating the CFSP. With that in mind, the High Representative will need to make efforts for ensuring consistency in the international political activities of the Union, since he is the one who is responsible “within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union’s external action” (The Lisbon Treaty 2010, 27). By the effectuation of the Lisbon Treaty, the High Representative is enabled to be “pervasive” in the overall work of its institutions in the field of foreign policy. Or, as provided by the Treaty: “the High Representative shall conduct the Union’s common foreign and security policy. He shall contribute by his proposals to the development of that policy (...) the same shall apply to the common security and defence policy” (The Lisbon Treaty 2010, 26). In that sense, the High Representative is authorized to perform a representative function, or as is stated in the Article 27(2):

The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue with third parties on the Union’s behalf and shall express the Union’s position in international organisations and at international conferences (The Lisbon Treaty 2010, 32).

According to that, the High Representative is responsible both for coordinating the international political activities of the Member States on the international political scene and for representing the EU in international relations. Through this provision of the Lisbon Treaty, the institution of the High Representative is even more geared towards intensifying the coherence of the Union in its international political activities. In that context, an interesting novelty stipulated in this Treaty, by which the position and the role of the High Representative have been reinforced, is the instalment of the European External Action Service (EEAS) as a kind of Ministry of Foreign Affairs. This service is intended to reinforce the functionality and efficiency of the High Representative in terms of expertise and competence in performance of tasks. It is planned to initiate the organization and the functioning of the EEAS by a decision of the European Council. It is provided for the Council to adopt such a decision, but “the Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission” (The Lisbon Treaty 2010, 32). It is also stipulated, in Article 27(3) that: “the [EEAS] shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States” (The Lisbon Treaty 2010).

In that context, the High Representative will coordinate the diplomatic missions of the Member States of the Union and their delegations in third countries, as well as provide stimulation of the enhanced cooperation among the Member States in the interest of effectuating the common international political activities on the international political scene. From the essence of the stipulated provision one can elicit the “hybrid” (CEPS *et al.* 2007) nature of the EEAS, as semi-supranational and semi-intergovernmental agency *sui generis*, whose more detailed organization will depend on the decision made by the Council. Together with that, the Lisbon Treaty as another innovation has established the European Defence Agency (EDA), which has an identical, hybrid nature like the EEAS. The European Defence Agency has been established “by a joint action of the Council of Ministers for Foreign Affairs of the Union in 2004 for the first time” (Wessels and Bopp 2008, 29). According to that, it has been stipulated in Article 42(3) that this Agency is going to work in favour of “defence capabilities development, research, acquisition and armaments” (The Lisbon Treaty 2010, 38), as an area that in the future should be developed within the framework of the Union. In that context, Article 42(3) stipulates that the EDA shall identify operational requirements of the Union and, for this purpose, it shall:

[P]romote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities (The Lisbon Treaty 2010).

Thus, the tasks of the EDA are stipulated in Article 45(1) of the Lisbon Treaty, in which it is provided that by its constitution the EDA shall have as its task to:

1. contribute to identifying the Member States’ military capability objectives and evaluating observance of the capability commitments given by the Member States;
2. promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
3. propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
4. support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
5. contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure (The Lisbon Treaty 2010, 40).

In accordance with these provisions, efforts have been made for creating an institution that will possess the capacity to perform mobilization of the (national) military resources of the Member States as well as of the Union, if it has its own autonomous military assets. Decisions concerning the CFSP and CSDP will be made unanimously by the Council, on a proposal of the High Representative or on the initiative of a Member State

of the Union. According to that, efforts are made through the Lisbon Treaty for “imposing” the leading role of the High Representative in this area as well, as an essential connection between the EDA and the European Council, as a basis for providing a solid and institutional communication between them.

Namely, what is especially important in the security and defence area of the Union is the position and the role of the Council, as an important authority and political supervisor of the work of the EDA. The EDA is planned to be an agency available to all Member States that are willing to be part of it. In that context, the Council will make a decision for defining its statute and the operational rules for its functioning by a qualified majority. Such a decision must be previously based on the effectiveness of the Member States participation in the activities of the Agency. For this purpose special working groups will be formed that will be responsible for enabling the joint operations of the Member States as well as their effectiveness in creating the joint projects of the Union in the security and defence arena.

In addition, the Lisbon Treaty plans other flexible mechanisms for Member States’ participation in this area. That is, the establishment of a Permanent Structured Cooperation (PSC) as a flexible mechanism for co-opted participation of the Member States in the Union area of defence, according to their military readiness to participate in such a structure. In general, “these flexibility provisions for the area of CFSP foreseen in the Lisbon Treaty are more transparent both for participating and non-participating members so that the creation” (Wessels and Bopp 2008, 27) of a “‘directoire’ of the big three” (Hill 2006, 1-7) might be avoided. The opportunities for creating a European mechanism for defence, dominated and orchestrated by the military-political and economically powerful Member States of the Union will be reduced through the installation of such cooperation. According to Article 46(1) of the Lisbon Treaty, it is stipulated that:

[T]hose Member States which wish to participate in the permanent structured cooperation [and] which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation, shall notify their intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy (The Lisbon Treaty 2010, 40).

In this regard, the Council is going to adopt such proposals for creating the PSC and determine a list of participating states, whose role will be proactive in such cooperation. Within that framework, each Member State willing to join the PSC in some of its advanced phases will be obliged to inform the Council and the High Representative to that effect. Admission to the PSC will be determined by a Council Decision, adopted by a qualified majority and consent of the High Representative of the Union. The Lisbon Treaty also regulates the right of vote of the Member States within the PSC framework. According to Article 46(4): “Only members of the Council representing the participating Member States, with the exception of the Member State in question, shall take part in the vote” (The Lisbon Treaty 2010, 41). Similarly, the obligation of the Member States, in case of a military threat from a third party, is clearly stated. In that regard, Article 42(7) stipulated that: “if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power”

(The Lisbon Treaty 2010, 39). In fulfilling their obligations, the Member States undertake to respect the appropriate procedure under *the solidarity clause* by this Treaty.

Namely, Article 43(2) states that the Council:

shall adopt decisions relating to the [particular] tasks [such as peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the UN Charter] defining their objectives and scope and the general conditions for their implementation. The High Representative of the Union for Foreign Affairs and Security Policy, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks (The Lisbon Treaty 2010, 39).

Those Member States, in cooperation with the High Representative, will agree on the organization and the conditions for fulfilling the tasks. At the same time, the “Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State” (The Lisbon Treaty 2010, 40). In that direction, those Member States:

shall inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task [such as peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter]. In such cases, the Council shall adopt the necessary decisions (The Lisbon Treaty 2010, 40).

Within the framework of accomplishing the aforementioned tasks, the High Representative is re-emerging again as a leading actor, following the recommendations given by the European Council. Accordingly, the High Representative has the authority for coordinating the implementation of the policies in this area. In addition to that, the identification of the legal personality of the Union has been finally made by the Lisbon Treaty, which is a step towards transforming it into a single international legal entity, with its own specifics and autonomous international political identity. It is about a quality (characteristic) that helps the Union to appear as a party at the conclusion of international treaties with third countries, and thus to collectively enter or withdraw from membership in other international organizations or structures, as a single legal and political partner.

In that context, the former High Representative, Javier Solana would emphasize that “the EU’s acquisition of legal personality was ‘not a minor issue’, but that it was ‘important politically more than legally’” (Foreign Policy Aspects of the Lisbon Treaty 2008, 33). Concerning the legal personality of the EU acquired with the Lisbon Treaty, Solana also stressed that “it would be easier for third countries to understand the EU without the complication of dealing with, and sometimes signing agreements with, different entities” (Foreign Policy Aspects of the Lisbon Treaty 2008, 33). In addition, a single legal personality for the Union will enable the EU to speak and take action as a single and distinct entity on the international political scene. Therefore, the importance of the Lisbon Treaty as an *initial step* in the integration process of the Union can be concluded through the installation of both the institution of the President of the European Council and the

institution of the High Representative, authorized to provide the external coherence and to foster solidarity within the EU. Thus, this type of coherence “is somewhat strengthened.

The Lisbon Treaty indeed made some efforts in order to enhance efficiency and effectiveness of single institutions, especially by the establishment of the High Representative and the full-time presidency of the European Council” (Wessels and Bopp 2008, 28).

INTEGRATION STAGES

In its institutional and political development, the EU has gone through three major integration stages. Each of them is transparently shown on the integration cascade (ladder), also known as “ratchet fusion process” (Wessels and Bopp 2008, 6). Otherwise, with locating the Lisbon Treaty’s place within the European integration process in mind, we have upgraded this “ratchet fusion” with the dashed arrow, presented in Figure 1.

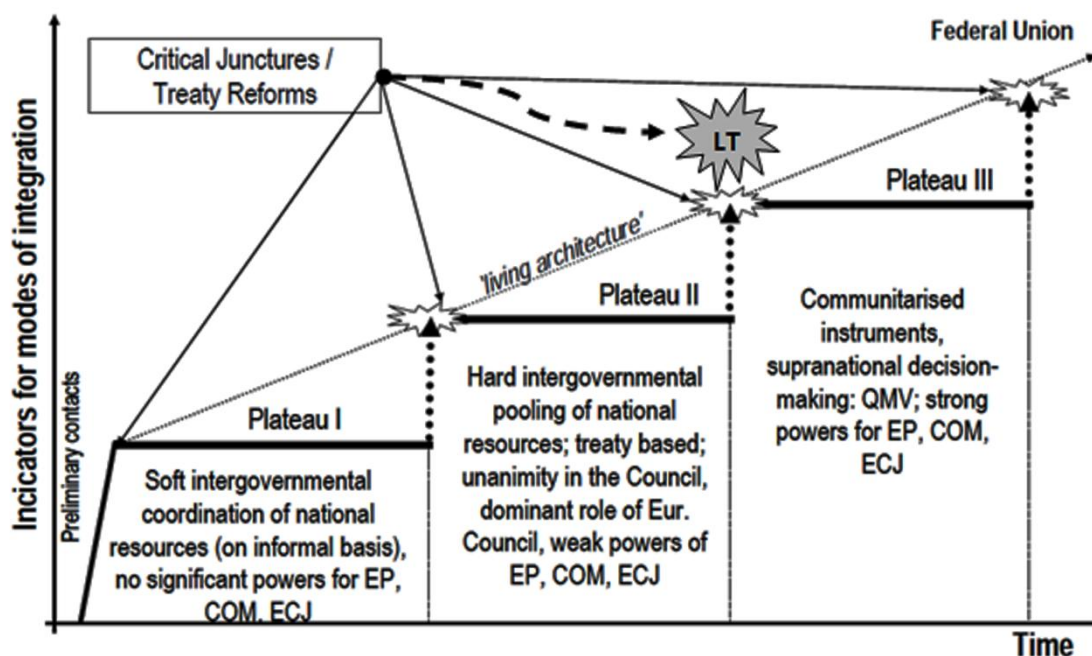


Figure 1: “Ratchet fusion”(Source: Wessels and Bopp 2008, 6)

Stages shown on the cascade are directly derived from the legitimization basis of the EU, which covers the constitutive treaties that condition its foundation and its institutional and political development. This article treats the Lisbon Treaty as the current legitimization basis of the EU. Taking into account the “ratchet fusion process”, this would mean that the CFSP stipulations of the Lisbon Treaty have provided for:

A major step upward towards the ‘next plateau’ of an ‘integration ladder’, representing a gradual move towards a system with clear supranational elements. This would also mean that the often-claimed coherence of the Union’s external action and its capability to act have been enhanced towards

a stronger and more coherent international actor with a strengthened identity in the international system and more capabilities to act while internal efficiency and transparency have been enhanced (Wessels and Bopp 2008, 4).

The first stage (plateau I) covers the primordial political integration of the EU member states (then Community) as a basis for creating coherence in their political activities, for the purpose of defining and establishing the European international political identity. This stage, generated by initiating and formalizing the European political cooperation (starting with the report from Luxembourg, to the Single European Act), undoubtedly leads to certain progress in terms of political communication and closer political cooperation among the EU member states. The significance of such political cooperation effectuates a relatively flexible, non-obligatory and voluntary “system” of interstate decision making, in the sphere of foreign policy and the ability of the European Community / the Union for a coherent creation of international political actions. According to that, the development of the “initial awareness” of the Member States for the importance and the necessity of intensive political communication concerning the questions from the international political area can be seen as the greatest benefit of this stage. Moreover, all of that was aimed toward Europe’s starting to speak with one voice, instead of speaking in a choir of voices, as was stipulated in the Declaration for European Identity and the Luxemburg Report.

The second stage (plateau II), began by establishing the institutional - political architecture of the Union through the Maastricht Treaty and up to the Treaty of Nice. This stage is characterized by the final integration of the “political cooperation” within the structures of EU, the installation of the three-pillar system, and commitment for further development of the Common Foreign and Security Policy, as well as the strengthening of intergovernmental decision-making within the area of international activities of the EU. This stage is characterized by existence of the predominant intergovernmentalism in decision-making process, democratic deficit, military underdevelopment, institutional non-transparency, strengthening of the bureaucracy, “eurocracy” etc.

The third stage (plateau III), represented on the integration ladder as a stage of *finalité politique*, has still not been reached from this perspective, despite the Union “efforts” to achieve final institutional and political establishment of its international political identity as a global actor. This stage involves a final political unification of the Union, in which it should be transformed into a political union of a federal type. Within it, the Union will have to be able to generate institutional and political architecture, compatible with supranational and communitarian concepts (or the “Community method”), as well as political expansion and strengthening of the authorities and prerogatives of its institutions, with stressed authority (power) in terms of foreign policy. All this implies a change in the decision-making process, from a system of unanimity to a (qualified) majority system, or another flexible decision-making process concerning the CFSP.

In that context, we believe that it is important to emphasize that the European federalists see extending and fostering as much as possible the *Community method* in various areas of the Union’s activities as the only method for increasing coherence within the EU, and as an efficient tool for incremental building of a European democratic federation. Namely, the Community method implies “pooling of national sovereignty in

certain defined respects and the empowerment of supranational institutions to advance and give effect to joint solutions to shared problems” (Duff 2011, 2-16). Thus, the Community method should not be confused with the *Monnet method*, which descriptively speaking represents a method of “integration by stealth” (Majone 2009, 13). The theorist Giandomenico Majone used the “label ‘crypto-federalism’ to denote a type of federalist revisionism, characterized by this roundabout approach to the political integration of Europe” (Majone 2009, 72). This approach (of which Jean Monnet is a central figure) is highly different from the orthodox (Hamiltonian) federalist worldview, mainly recognizable through the work of the prominent European federalist Altiero Spinelli. In fact, Monnet used the expression “‘United States of Europe’ more as a tribute to the USA, a country he knew well and loved, than as a definite ideological commitment” (Majone 2009, 73). This method, according to Giandomenico Majone “consists in pursuing political integration, not by frankly political means, but under the guise of economic integration” (Majone 2009), and it primarily represents a product of “quasi-constitutional principles derived from the founding treaties and from neofunctionalism” (Majone 2009).

Unlike the neofunctionalism, the *federalist* concept requires the adoption of a European constitution as the ultimate democratic asset for establishing a European democratic federation. The establishment of such a European *democratic* federation, according to the federalists, will be pursued through a *gradual reform* of the existing constitutive treaty, such as the Lisbon Treaty, or as MEP Andrew Duff stressed, “it is obvious that the new European federal constitution will be based largely on the existing EU treaties” (Duff 2011, 5). This means that the specific nature of the Union will continue to exist, but in *enhanced* and modified form, which in the future should serve as the legitimization basis for its further political / international political modelling. However, with the “fall” of the European constitution, the Union was forced to start thinking in an *alternate direction*, in order to find a solution for overcoming the “post-constitutional” crisis and thus to intervene in the process of establishing an international political identity as a global actor. Consequently, the Lisbon Treaty in its essence represents a quasi-federal act, because of its confusing, complex and vague content, and also its partly constitutional determination, which is done through a “compromise” with the protagonists and opponents of the European federalism, seeking to satisfy both sides, and thus to constitute a *distinctive type of federalism without a federation*. Or, as the famous author Zbigniew Brzezinski says: “at best, the European political union would have grown into something less than the United States of Europe, and something more than the European Union as a corporation” (Brzezinski 2001, 21).

FEATURES OF THE LISBON TREATY

Based on the research question: what is the place of the Lisbon Treaty within the integration process with regards to the identity of the European Union as a global actor?, we can conclude that the Lisbon Treaty takes a specific, crucial, alternate and at the same time an *initial place* in the third phase of the previous presented integration cascade. Taking into account its institutional and political architecture as a complex descendant of the European constitution, it openly started to recede regarding the question of creating a political union (federation in particular). Therefore, it can be concluded that the Lisbon Treaty does not constitute the identity of the Union as a global actor, but only initiated it.

The CFSP provisions of the Lisbon Treaty “can thus not be qualified as a ‘saut constitutionnel’ in a ‘supranational’ direction” (Wessels and Bopp 2008, 29), but “as a major step forward towards the establishment of a growing and strengthened global identity of the EU which – despite the complexity of the treaty provisions – has strengthened its international identity as an actor (...)” (Wessels and Bopp 2008, 5). In that sense, the Lisbon Treaty provisions “can be interpreted as demonstrating an ever-refined type of ‘rationalised intergovernmentalism’” (Wessels 2001, 204), “whereby the heads of state and government grant limited roles to the EP and the Commission but stick to unanimity in the Council and the central role of the European Council” (Wessels and Bopp 2008, 4).

Furthermore, characteristic of the Lisbon Treaty within the CFSP are indeed the key political institutions provided by it, i.e. the President of the European Council and the High Representative, as well as the commitments for creating a defence mechanism with a specific, *sui generis* nature (embodied in the PSC and the EDA). By the installation of these institutions, this Treaty strives to enable Europe to speak with one voice and with one mouth in international affairs as a precondition for its establishment as a global actor. However, this attempt has been reduced through “diarchy” or “intrinsic dualism” (Wessels and Bopp 2008, 29), because both institutions, as the President of the European Council and the High Representative, have been assigned responsibility for representing the Union in international relations (Figure 2.).




Figure 2: “Diarchy” (Source: My own depiction referring to data collected from the Lisbon Treaty)

Alongside that, the role of the High Representative is significantly intensified in terms of affirmation and promotion of the fundamental values of the Union, inside and outside of it in relations with other international actors. At the same time, its role as arbitrator and mediator in the process of decision-making in CFSP (and CDSP) has been strengthened. In that context, the High Representative is responsible for “accelerating” the procedure for harmonization and synchronization of the political views of the Member States on one hand, and thus to ensure coherence within the CFSP and the EU’s

representation in international affairs. In line with the provisions of the Treaty, the High Representative inherits the most difficult role in organizing and coordinating the Member States, in order to persuade them to stand united in the name of the European vision and interests, and thus together to ensure the establishment of an international political identity of the Union. In this regard, the High Representative “will play a role that is not yet clearly defined. S/he could behave as an actor representing the overall interests of the Union and controlling national foreign policies without any ties to national institutions” (Wessels and Bopp 2008, 14).

CONCLUSION

The Lisbon Treaty takes a specific, crucial and at the same time initial position on the integration cascade. Speaking to its institutional-political architecture, as a complex “descendant” of the “failed” European constitution, the Lisbon Treaty openly started to recede regarding the question of transforming the EU into a political union (federation or confederation) as *finalité politique* of European integration and the question of making efforts for constituting the identity of the EU as a global actor. Based on that, it can be concluded that the international political identity of the Union can only be initiated by the Lisbon Treaty and cannot be constituted by it, because this Treaty is not a constitution. The initiation of an international political identity of the EU stems from the provisions of the Treaty for institutionalization of the institutions such as the President of the European Council and the High Representative, authorized to provide the external coherence and to foster solidarity within the EU. In accordance with the Treaty, these institutions acquire powers and responsibilities that ensure continuous functioning in terms of creating the strategic directions of the EU in the area of CFSP and of course powers in terms of harmonization of the contradicted international political views of the Member States. The principle of unanimous decision-making within the CFSP largely appears as a dominant obstacle for constituting an international political identity, which is one more reason for preventing the realization of the ultimate goal of the European integration – a unified and federal Europe.

Moreover, the Lisbon Treaty is a legal and political document, only responsible for initiating and strengthening the EU’s international political identity, because it is not a constitution for its content, but a document, which in accordance to the principles of unanimity and intergovernmentalism, regulates and coordinates the relations among the Member States of the EU. Therefore, it can be said with certainty that this Treaty as a document does not legitimize the phase of *finalité politique*, but rather only represents an alternative legal and political document that makes a step forward, towards the process of constituting an international political identity of the EU as a global actor. In the future, this Treaty must also serve as a legitimization basis for institutional and political upgrading of the Union towards its supranationalization. Because only as a political union (federation or confederation at least) will the EU be able to establish its international political identity as a functional global actor. 

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